

REMARKS

Claims 1-20 are pending in this application. By this Amendment, the specification, and claims 1, 5, 8, 11, 15 and 18, are amended. The amendments introduce no new matter. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

Applicants appreciate the allowance of claims 2, 3, 12 and 13 and the indication of allowability regarding claims 4-6, 8, 14-16 and 18. Claims 4, 6, 8, 14, 16 and 18 are indicated as allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. In addition to the above, claims 5 and 15, are also indicated as needing to be rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph. Applicants appreciate this indication of allowability and respectfully submit that the indicated claims are allowable for the reasons set forth below.

The Office Action objects to the specification for an informality. The specification is amended to obviate this objection. Withdrawal of the objection to the specification is respectfully requested.

Claims 8 and 18 are objected to for an informality. Claims 8 and 18 are amended to obviate this objection. Withdrawal of the objections to claims 8 and 18 is respectfully requested.

The Office Action rejects claims 5 and 15 under 35 U.S.C. §112, second paragraph. Specifically, the Office Action indicates a lack of antecedent bases for predicted or detecting cooling water temperatures. Claims 5 and 15 are amended to obviate the rejection.

Accordingly, reconsideration and withdrawal of the rejection of claims 5 and 15 under 35 U.S.C. §112, second paragraph, are respectfully requested.

The Office Action rejects claims 1, 7, 9-11, 17, 19 and 20 under 35 U.S.C. §102(b) over U.S. Patent No. 6,082,626 to Morikawa et al. (hereinafter "Morikawa"). This rejection is respectfully traversed.

The Office Action asserts that Morikawa teaches a thermostat abnormal state detecting apparatus, in a circulating path for cooling water in an engine, capable of detecting an abnormal state of a thermostat based upon a detected cooling water temperature and a predicted cooling water temperature of the engine. Morikawa does not teach, nor can it reasonably be considered to have suggested, detecting an abnormal state of a thermostat wherein when a detected water cooling temperature is within a predetermined range and the abnormal state detecting is commenced on the basis of the detected cooling water temperature and a predicted cooling water temperature. The portion of Morikawa relied upon by the Examiner describes the operation of a cooling water circuit (col. 6, lines 54-67 and col. 7, lines 1-3 of Morikawa). Morikawa responds to water temperatures by opening valves and/or operating water pumps and the cooling fan. Morikawa does not detect an abnormal state of a thermostat or commence abnormal state detecting on the basis of detected cooling water temperature and predicted cooling water temperature, as positively recited in claims 1 and 11.

Regarding claims 7 and 17, the Office Action asserts that Morikawa discloses the thermostat abnormal state detecting apparatus judging as to whether or not the thermostat is under an abnormal valve opening state after the electric motor fan has been driven in an intermittent manner (col. 6, lines 54-67 and col. 7, lines 1-38). The section upon which the Examiner relies does not disclose such a feature. Specifically, this section deals with opening valves and operating fans, but contains no teaching, or suggestion, of judging as to whether or not the thermostat is under an abnormal valve opening state, as recited in claims 7 and 17.

For at least the above reasons, the applied prior art reference does not teach, nor can it reasonably be considered to have suggested, the combinations of all of the features positively

recited in at least claims 1, 7, 11 and 17. Further, claims 9, 10, 19 and 20 are also neither taught, nor would they have been suggested, by the applied prior art reference for at least the respective dependence of these claims, directly or indirectly, on independent claims 1 and 11, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejection of claims 1, 7, 9-11, 17, 19 and 20 as being anticipated by, or unpatentable over, the applied prior art reference are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 7, 9-11, 17, 19 and 20, in addition to the allowance of claims 2, 3, 12 and 13, and the indication of allowability regarding claims 4-6, 8, 14-16 and 18, are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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